

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

v.

PEDRO J. CABALLERO MACEIRA

Defendant

CRIMINAL NO. 05-098 (JAG)

REPORT AND RECOMMENDATION

Defendant's "Franks" *Motion to Suppress* (Docket No. 21) must be **DENIED**. As noted in the Court's July 19, 2005 order (Docket No. 28), the same is legally insufficient to warrant an evidentiary hearing, more so, the suppression of evidence. Defendant was afforded ample opportunity to supplement his motion to suppress, yet after three requests for extension of time (see Docket Nos. 30, 32 and 35) did not do so.

Under the provisions of Rule 72(d), Local Rules, District of Puerto Rico, any party who objects to this report and recommendation must file a written objection thereto with the Clerk of the Court within ten (10) days of the party's receipt of this report and recommendation. The written objections must specifically identify the portion of the recommendation, or report to which objection is made and the basis for such objections. Failure to comply with this rule precludes further appellate review. See Thomas v. Arn, 474 U.S. 140, 155 (1985), reh'g denied, 474 U.S. 1111(1986); Davet v. Maccorone, 973 F.2d 22, 30-31 (1st Cir. 1992).

SO ORDERED.

Date: October 12, 2005

Gustavo A. Gelpi
GUSTAVO A. GELPI
United States Magistrate Judge

